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STONEBRIDGE LIFE INSURANCE COMPANY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TERRI SMITH and MICHELE
SMITH FREGOSO.

Plaintiffs,

vs.

Defendant.

Case No. C 08-01466 JCS

Magistrate Judge Joseph C. Spero

**EVIDENTIARY OBJECTIONS TO
DECLARATION OF JOHN STENNETT
IN SUPPORT OF OPPOSITION TO
PLAINTIFFS' MOTION FOR PARTIAL
SUMMARY JUDGMENT ON
PLAINTIFFS' FIRST CAUSE OF
ACTION FOR BREACH OF
CONTRACT**

[Filed concurrently with:
(1) Opposition to Plaintiffs' Motion for Partial Summary Judgment;
(2) Declaration of Cheryl Penner;
(3) Declaration of Joseph E. Laska; and
(4) Evidentiary Objections to Declaration of Michele Smith Fregoso.]

Hearing Date: September 26, 2008
Hearing Time: 9:30 a.m.
Courtroom: A

Action Filed: September 5, 2007

1 Defendant Stonebridge Life Insurance Company ("Stonebridge") submits
2 these evidentiary objections to the Declaration of John Stennett in support of
3 Stonebridge's Opposition to Plaintiffs' Motion for Partial Summary Judgment.

4 Stonebridge objects to Exhibit 2 to the Stennett Declaration, which purports
5 to be "true and correct copies of the 'Findings of Fact and Conclusions of Law
6 Following Bench Trial' filed February 18, 2004 from *Legare v. Canada Life
7 Assurance Company*, U.S. District Court, Southern District of California, Case
8 Number 02-CV-0798," on the ground that Plaintiffs did not ask the Court to take
9 judicial notice of this purported order as required by Federal Rule of Evidence 201.

10 Stonebridge further objects to the contents of Exhibit 2 on the ground that
11 they are inadmissible hearsay and double hearsay. Fed. R. Evid. 801-04.

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13 Dated: August 29, 2008

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By: /s/ Joseph E. Laska

Joseph E. Laska
Attorneys for Defendant
STONEBRIDGE LIFE
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